

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TARA CAPPS, as administrator of the)	
ESTATE OF MARK CAPPS,)	
)	
Plaintiff,)	
)	
v.)	No. 3:23-cv-001141
)	
METROPOLITAN GOVERNMENT OF)	Chief Judge Crenshaw
NASHVILLE AND DAVIDSON)	Magistrate Judge Newbern
COUNTY, <i>et al.</i>,)	
)	JURY DEMAND
Defendants.)	

ASHLEY COON'S MOTION FOR SUMMARY JUDGMENT

Defendant Sergeant Ashley Coon moves the Court to grant him qualified immunity and dismiss Plaintiff's 42 U.S.C. § 1983 excessive force claim against him under Federal Rule of Civil Procedure 56.

For decades, Supreme Court and Sixth Circuit precedent has shielded officers from excessive force claims when they use deadly force against people suspected of violent crimes who point guns at them. That is what happened in this case. Sgt. Coon was part of a team tasked with arresting Mark Capps, a man accused of violent crimes. When Mr. Capps opened his door and pointed a gun at Sgt. Coon and his teammates, Sgt. Coon reasonably used deadly force to prevent serious injury or loss of life. Sgt. Coon's use of force did not violate Mr. Capps's Fourth Amendment rights, and he did not transgress clearly established constitutional caselaw. Thus, the Court should grant his motion for summary judgment.

In support of this motion, Sgt. Coon invites the Court to consider the accompanying memorandum of law, statement of undisputed material facts, and the following exhibits:

1. Officer Lancaster Deposition Excerpts

2. Arrest Warrants
3. Officer Lancaster Body Worn Camera Footage
4. Sgt. Coon Deposition Excerpts
5. Timothy Brewer Deposition Excerpts
6. Jason Rader Deposition Excerpts
7. Sgt. Coon Body Worn Camera Footage
8. Timothy Brewer Body Worn Camera Footage
9. Jason Rader Body Worn Camera Footage
10. Excerpts from TBI Investigation
11. Officer Heimbach Body Worn Camera Screen Shot
12. Video Texted from Mark Capps to Mollie Acuff
13. Plaintiff's Interrogatory Responses
14. Declaration of Deputy Chief Chris Gilder

Respectfully submitted,

THE DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
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Government*

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been delivered via the CM/ECF electronic filing system to the following on the 12th day of July 2024:

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